

Gibson, Diane L.

From: Jeff Caufield [Jeff@caufieldjames.com]
Sent: Thursday, May 31, 2007 3:35 PM
To: John Edgcomb; Wilms, Nancy M.; Timothy C. Cronin; dlyon@crolaw.com
Cc: Amber Hinojosa; Ken James; David Griffin; Gibson, Diane L.
Subject: FW: Angeles - SSD Ruling from Judge Laporte
Attachments: show_case_doc.pdf

Dear Counsel:

Please find attached a ruling today from Judge Laporte against SSD.

Very truly yours,

Jeffery L. Caufield
Caufield James LLP

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5 IN THE UNITED STATES DISTRICT COURT
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7 FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 ANGELES CHEMICAL COMPANY, INC.,

No. C-06-80343 Misc. MMC (EDL)
No. C-07-80123 Misc. MMC (EDL)

9 Plaintiff,

10 v.

11 MCKESSON CORPORATION,

12 Defendant.

**ORDER RE MOTION TO COMPEL
COMPLIANCE WITH MARCH 22, 2007
ORDER**

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14 Before the Court is Angeles' Motion to Compel third party Squire, Sanders & Dempsey
15 LLP's ("SSD") to comply with this Court's March 22, 2007 Order compelling production of
16 documents, including indexes revealing which documents Defendant McKesson produced to SSD's
17 predecessor, Graham & James, and transmittal letters indicating where the McKesson documents
18 were later sent. See March 22, 2007 Order. Angeles asks the Court to compel certain documents on
19 SSD's privilege log, which Angeles believes to be nonprivileged documents covered by the Court's
20 March 22, 2007 Order compelling production. SSD has offered to produce the documents in
21 camera, and/or to provide the relevant, nonprivileged information contained in the documents, while
22 still withholding the privileged documents themselves. The Court has fully reviewed the parties'
23 submissions and finds this matter appropriate for a decision without a hearing. Therefore, the Court
24 hereby VACATES the June 6, 2007 hearing and ORDERS as follows:

- 25 1. SSD is ordered to produce the documents at issue in camera for the Court's
26 inspection, on or before June 6, 2007, labeled in accordance with the privilege log
27 entry number.

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- 1 2. For those documents as to which the Court upholds SSD's assertion of privilege,
- 2 SSD shall create a separate index of the documents identified in the privileged
- 3 document, including information identifying the document, its source, and its
- 4 disposition (e.g., sent to storage, returned to client, or other). The index shall be in
- 5 alphabetical order by document title or document type and (when available) by date.
- 6 3. For those documents as to which the Court finds that SSD's assertion of privilege was
- 7 unjustified or overinclusive, the Court will order production of the document, in
- 8 whole or in part, to the parties.

9 Within 5 days of the Court's subsequent Order on Nos. 3 and 4, SSD shall produce the
10 documents in question to the parties.

11 **IT IS SO ORDERED.**

12
13 Dated: May 31, 2007

Elizabeth D. Laporte

14 ELIZABETH D. LAPORTE
United States Magistrate Judge